

SEP 01 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT J. MCCULLOCK,

Plaintiff - Appellant,

v.

JEANNE S. WOODFORD; et al.,

Defendants - Appellees.

No. 08-15823

D.C. No. 1:05-CV-01043-LJO-  
DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence J. O'Neill, District Judge, Presiding

Submitted August 20, 2009\*\*

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Robert J. McCulloch, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging prison

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

officials acted with deliberate indifference to his medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed McCulloch's action because he did not allege facts suggesting that the defendants knew of and disregarded an excessive risk to his health. *See Clement v. Gomez*, 298 F.3d 898, 904 (9th Cir. 2002) (describing the subjective and objective requirements for a showing of deliberate indifference); *see also Jeffers v. Gomez*, 267 F.3d 895, 915 (9th Cir. 2001) ("A supervisor may be liable under § 1983 only if there exists either (1) his or her personal involvement in the constitutional deprivation, or (2) a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation.") (internal quotations omitted).

**AFFIRMED.**